

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GINA CRISCIONE, et al., <i>Plaintiffs,</i> v. LAURA DiVINCENZO, et al., <i>Defendants.</i>	Case No.: 1:24-cv-01446-PAB Judge Pamela A. Barker Magistrate Judge James E. Grimes Jr.
MOTION TO EXTEND TIME FOR SERVICE AND RESPONSE TO ORDER TO SHOW CAUSE	

Plaintiffs Gina Criscione and Estate of Dorothy Mandanici submit this response to the Court's December 2 order to show cause.

Ms. Criscione filed this action on August 23, 2024, while work on her case was otherwise paused for nonpayment, she sought to preserve her claims against Defendants with plans to make a final decision on how to proceed before the time for service expired. Although counsel entered the case into his case-management and calendaring system, the system defaulted to court rules for Cuyahoga County, setting a service timeline of six months under Ohio Civ. R. 4(E).

Upon receipt of the Court's order to show cause for failing to timely serve Defendants, Plaintiffs immediately sought to cure the delay (ECF #5) and perfected service on all Defendants within days (ECF #7–8). There has been no indication from Defendants that the delay in service has caused any meaningful prejudice. Meanwhile, Plaintiffs could be prejudiced if the case were to be dismissed, as it may result in some or all of her claims being time-barred.

Plaintiffs therefore move the Court to extend the time for service by 14 days and thereby accept process as timely perfected.

Respectfully submitted,

/s/Brian D. Bardwell

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CERTIFICATE OF SERVICE

I certify that on December 10, 2024, this document was served on opposing counsel as provided by Fed. R. Civ. P. 5(b)(2)(C).

/s/Brian D. Bardwell

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